

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0437

STATE OF MONTANA,

Plaintiff and Appellee,

v.

MELVIN MATSON,

Defendant and Appellant.

FILED

NOV 23 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Lisa S. Korchinski, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until February 27, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 23rd day of November, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: 

LISA S. KORCHINSKI  
Assistant Appellate Defender

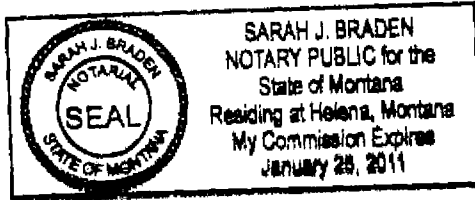
STATE OF MONTANA            )  
  : ss.  
County of Lewis and Clark    )

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.
2. In my capacity as Chief Appellate Defender, I have assigned Lisa S. Korchinski to handle the above-entitled matter.
3. The Appellant's opening brief was first due on October 30, 2009. The brief is presently due on November 30, 2009.
4. Ms. Korchinski currently has five opening briefs and one termination of parental rights case to complete.
5. Ms. Korchinski cannot meet the present deadline for filing the Appellant's brief.
6. Opposing counsel has been contacted concerning this motion and does not object.
7. Further your affiant sayeth naught.

  
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of November,  
2009.



Sarah J. Braden  
Sarah J. Braden

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

MATTHEW JOHNSON  
Jefferson County Attorney  
P.O. Box H  
Boulder, MT 59632

MELVIN MATSON  
55 Microwave Hill Road  
Clancy, MT 59634

DATED: 11/23/09

Sarah J. Braden